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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,648	04/08/2004	Ralph E. Wesinger JR.	NES-014COH	9004
28661	7590	10/16/2006	EXAMINER	
SIERRA PATENT GROUP, LTD. 1657 Hwy 395, Suite 202 Minden, NV 89423			VAUTROT, DENNIS L	
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DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,648	Applicant(s) WESINGER ET AL.	
	Examiner Dennis L. Vautrot	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :6/14/06, 2/2/06, 8/16/06, 6/15/05, 5/11/05, 2/17/05.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 14 July 2006, 2 February 2006, 16 August 2005, 15 June 2005, 11 May 2005, and 17 February 2005 have been received and entered into the record. Since the IDS comply with the provisions of MPEP § 609, the references cited therein have been considered by the examiner. See attached form PTO-1449.

Response to Amendment

2. As a result of the preliminary amendment filed on 28 April 2006, the abstract has been amended and claims 1 – 24 have been cancelled. Claims 25 – 45 were added.

Claim Objections

3. Claim 39 is objected to because of the following informalities: “a web server” in the second line appears to be part of a listing of items with no connecting word such as “consisting of” or “comprising” associated with it. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25 – 28 and 32 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith** (US 6,173,045) in view of **Siefert** (US 6,732,358).

6. Regarding claims 25 and 32, **Smith** teaches a method and apparatus for allowing a user to post data about a category:

providing a web-accessible database modifiable by a user over a public network, said database including data entries posted by users of the database (See column 1, lines 62 – 64 “Information may be retrieved form the telephone company’s central office, thereby eliminating the need to provide updates to telephone books.” Also, in FIG. 3a, “the central office” is labeled the central office database, and is available over a telephone line, which is recognized to be a public network.);

receiving a query [searching] over the public network [electronically] from a user (See column 1, lines 64 – 66 “Searching can be done electronically on a number of fields such as name, category or keywords...”);

displaying to the user a web page responsive to the query, the web page including the data entries retrieved responsive to the query (See column 1, lines 66 - 67 “...thereby providing a more accruing listing of yellow page advertisers.” The listing here is in the form of a web page, with the data entries being the yellow page advertisers);

Smith does not explicitly disclose receiving a request from said user to update the category in which said web page is indexed in said web-accessible database; verifying the authority of the user to modify the web page; allowing the user to change

the category of said web page to a user- specified category; allowing the user to provide a description of the new category; and automatically updating said web page, wherein said category description and data entries associated with said web page are associated with said user-specified category in said web-accessible database.

However, **Siefert** teaches receiving a request from said user to update the category in which said web page is indexed in said web-accessible database (See column 17, lines 34 – 7 “...then the PROVIDER can create a new CATEGORY. The PROVIDER does this by choosing the option “OTHER,” which is presented when the PROVIDER actuates the box labeled “INFORMATION CATEGORY” in FIGS. 41 – 49.”);

verifying the authority of the user to modify the web page (See column 5, lines 53 – 56 “However, in general, a user will not have such broad access, but only access to those PROFILES and RESOURCES for which the user has authorization.”);

allowing the user to change the category of said web page to a user- specified category (See column 5, lines 45 – 48 “If the creator of the PROFILE does not find a suitable, pre-existing category, then the creator can establish a new category, which is added to the system. And see column 17, lines 1 – 4 “If the PROVIDER finds the CATEGORIES which CLS provides to be unsuitable (these have been created previously by other users of the system), then the PROVIDER can create a new CATEGORY.”);

allowing the user to provide a description of the new category (See column 9, lines 4 – 6 “Every RESOURCE carries with it a PROFILE. Each PROFILE contains

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important information about the RESOURCE, such as a description of the RESOURCE.");

automatically updating said web page, wherein said category description and data entries associated with said web page are associated with said user-specified category in said web-accessible database. (See column 17, lines 7 – 9 "The new CATEGORY is then added to the list of CATEGORIES, and is shown to all users who subsequently elect to view the CATEGORIES." When the users subsequently access the web page, the new category will be reflected.)

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Siefert** with that of **Smith** because both teachings have to do with allowing users to access information that is found in databases, and by including the category information as disclosed in **Siefert**, the database becomes more robust by being able to better search the records contained in the various databases and by including the web-accessible and public network aspects from **Smith**, it allows for a more robust system by allowing interconnectedness between databases, not just the one phone company's database. It is for this reason that one of ordinary skill in the art would have been motivated to include receiving a request from said user to update the category in which said web page is indexed in said web-accessible database; verifying the authority of the user to modify the web page; allowing the user to change the category of said web page to a user- specified category; allowing the user to provide a description of the new category; and automatically updating said web page, wherein

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said category description and data entries associated with said web page are associated with said user-specified category in said web-accessible database.

7. Regarding claims 26 and 33, the combination of **Smith** and **Siefert** discloses said act of allowing the user to change the category of said web page to a user-specified category further comprises allowing the user to define a new category in said web-accessible database. (See **Siefert** column 5, lines 45 – 48 “If the creator of the PROFILE does not find a suitable, pre-existing category, then the creator can establish a new category, which is added to the system. And see **Siefert** column 17, lines 1 – 4 “If the PROVIDER finds the CATEGORIES which CLS provides to be unsuitable (these have been created previously by other users of the system), then the PROVIDER can create a new CATEGORY.”)

8. Regarding claims 27 and 34, the combination of **Smith** and **Siefert** discloses said data entries include non-textual content. (See **Siefert** column 12, line 67 – column 13, line 2 “The information can be visual, as on a computer display. The visual can be static, as a graphic or a sheet of text.”)

9. Regarding claims 28 and 35, the combination of **Smith** and **Siefert** discloses said non-textual content comprise graphics. (See **Siefert** column 12, line 67 – column 13, line 2 “The information can be visual, as on a computer display. The visual can be static, as a graphic or a sheet of text.”)

10. Claims 29 – 31 and 36 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith** and **Siefert** as applied to claim 28 above, and further in view of **Edelstein**.

11. Regarding claims 29 and 36, **Smith** and **Siefert** teach a method and apparatus substantially as claimed. **Smith** and **Siefert** do not explicitly disclose the act of allowing said user to index said selected entry in said on-line database with at least one user-defined keyword. However, **Edelstein** discloses the act of allowing said user to index said selected entry in said on-line database with at least one user-defined [author provided] keyword. (See column 2, lines 57 – 61 “Various means are used to extrapolate subject areas and other classification schemes, ranging from author provided keyword or indexing information...”). It would have been obvious at the time of the invention to combine the teachings of **Smith** and **Siefert** with that of **Edelstein** because the references all have to do with allowing users to access information that is found in databases, and by including the keyword as disclosed in **Edelstein**, the method is more robust by providing an extra way to categorize and locate the information. It is for this reason that one of ordinary skill in the art would have been motivated to include the act of allowing said user to index said selected entry in said on-line database with at least one user-defined keyword.

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12. Regarding claims 30 and 37, the combination of **Smith**, **Siefert**, and **Edelstein** additionally discloses the act of allowing said user to add a URL to said entry in said on-line database. (See **Edelstein** column 7, lines 38 – 41 "...a Resource Alias Records may include, but is not limited to, the following: the Address (or URL) of the Electronic Resource which the Resource Alias denotes...")

13. Regarding claim 31 and 38, the combination of **Smith**, **Siefert**, and **Edelstein** additionally discloses the act of said allowing user to add a hyperlink to said entry in said on-line database. (See **Edelstein** column 2, lines 38 – 48 "In some cases, the denotation need not be seen or dealt with by the user, as in the case of hypertext links ("hot links") within Internet Web pages....This capability allows users to revisit (retrieve at a later time) web pages previously retrieved, as they may have changed.")

14. Claims 39 - 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith** (US 6,173,045) in view of **Siefert** (US 6,732,358).

15. Regarding claim 39, **Smith** teaches a web-accessible database modifiable by a user over a public network, said database including data entries posted by users of the database (See column 1, lines 62 – 64 "Information may be retrieved form the telephone company's central office, thereby eliminating the need to provide updates to telephone books." Also, in FIG. 3a, "the central office" is labeled the central office

database, and is available over a telephone line, which is recognized to be a public network.); the web server being configured to:

receive a query [searching] over the public network [electronically] from a user (See column 1, lines 64 – 66 “Searching can be done electronically on a number of fields such as name, category or keywords...”);

display to the user a web page responsive to the query, the web page including the data entries retrieved responsive to the query (See column 1, lines 66 - 67 “...thereby providing a more accruing listing of yellow page advertisers.” The listing here is in the form of a web page, with the data entries being the yellow page advertisers);

Smith does not explicitly disclose a web server for allowing a user to post data about a category; receive a request from said user to update the category in which said web page is indexed in said web-accessible database; verify the authority of the user to modify the web page; allow the user to change the category of said web page to a user-specified category; allow the user to provide a description of the new category; and automatically update said web page, wherein said category description and data entries associated with said web page are associated with said user-specified category in said web-accessible database.

However, **Siefert** teaches a web server for allowing a user to post data about a category: a web server (See FIG. 1-C);

receive a request from said user to update the category in which said web page is indexed in said web-accessible database (See column 17, lines 34 – 7 “...then the

PROVIDER can create a new CATEGORY. The PROVIDER does this by choosing the option "OTHER," which is presented when the PROVIDER actuates the box labeled "INFORMATION CATEGORY" in FIGS. 41 – 49.");

verify the authority of the user to modify the web page (See column 5, lines 53 – 56 "However, in general, a user will not have such broad access, but only access to those PROFILES and RESOURCES for which the user has authorization.");

allow the user to change the category of said web page to a user- specified category (See column 5, lines 45 – 48 "If the creator of the PROFILE does not find a suitable, pre-existing category, then the creator can establish a new category, which is added to the system. And see column 17, lines 1 – 4 "If the PROVIDER finds the CATEGORIES which CLS provides to be unsuitable (these have been created previously by other users of the system), then the PROVIDER can create a new CATEGORY.");

allow the user to provide a description of the new category (See column 9, lines 4 – 6 "Every RESOURCE carries with it a PROFILE. Each PROFILE contains important information about the RESOURCE, such as a description of the RESOURCE.");

automatically update said web page, wherein said category description and data entries associated with said web page are associated with said user-specified category in said web-accessible database. (See column 17, lines 7 – 9 "The new CATEGORY is then added to the list of CATEGORIES, and is shown to all users who subsequently elect to view the CATEGORIES." When the users subsequently access the web page, the new category will be reflected.)

It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of **Siefert** with that of **Smith** because both teachings have to do with allowing users to access information that is found in databases, and by including the category information as disclosed in **Siefert**, the database becomes more robust by being able to better search the records contained in the various databases and by including the web-accessible and public network aspects from **Smith**, it allows for a more robust system by allowing interconnectedness between databases, not just the one phone company's database. It is for this reason that one of ordinary skill in the art would have been motivated to include a web server; receive a request from said user to update the category in which said web page is indexed in said web-accessible database; verify the authority of the user to modify the web page; allow the user to change the category of said web page to a user- specified category; allow the user to provide a description of the new category; and automatically update said web page, wherein said category description and data entries associated with said web page are associated with said user-specified category in said web-accessible database.

16. Regarding claim 40, the combination of **Smith** and **Siefert** discloses the web server configured to allow the user to change the category of said web page to a user-specified category further comprises allowing the user to define a new category in said web-accessible database. (See **Siefert** column 5, lines 45 – 48 “If the creator of the PROFILE does not find a suitable, pre-existing category, then the creator can establish a new category, which is added to the system. And see **Siefert** column 17, lines 1 – 4 “If

the PROVIDER finds the CATEGORIES which CLS provides to be unsuitable (these have been created previously by other users of the system), then the PROVIDER can create a new CATEGORY.”)

17. Regarding claim 41, the combination of **Smith** and **Siefert** discloses said data entries include non-textual content. (See **Siefert** column 12, line 67 – column 13, line 2 “The information can be visual, as on a computer display. The visual can be static, as a graphic or a sheet of text.”)

18. Regarding claim 42, the combination of **Smith** and **Siefert** discloses said non-textual content comprise graphics. (See **Siefert** column 12, line 67 – column 13, line 2 “The information can be visual, as on a computer display. The visual can be static, as a graphic or a sheet of text.”)

19. Claims 43 - 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith** and **Siefert** as applied to claim 42 above, and further in view of **Edelstein**.

20. Regarding claim 43, **Smith** and **Siefert** teach a web server substantially as claimed. **Smith** and **Siefert** do not explicitly disclose a web server configured to allow said user to index said selected entry in said on-line database with at least one user-defined keyword. However, **Edelstein** discloses the act of allowing said user to index said selected entry in said on-line database with at least one user-defined [author

provided] keyword. (See column 2, lines 57 – 61 “Various means are used to extrapolate subject areas and other classification schemes, ranging from author provided keyword or indexing information...”). It would have been obvious at the time of the invention to combine the teachings of **Smith** and **Siefert** with that of **Edelstein** because the references all have to do with allowing users to access information that is found in databases, and by including the keyword as disclosed in **Edelstein**, the server is more robust by providing an extra way to categorize and locate the information. It is for this reason that one of ordinary skill in the art would have been motivated to include the act of allowing said user to index said selected entry in said on-line database with at least one user-defined keyword.

21. Regarding claim 44, the combination of **Smith**, **Siefert**, and **Edelstein** additionally discloses the web server configured to allow said user to add a URL to said entry in said on-line database. (See **Edelstein** column 7, lines 38 – 41 “...a Resource Alias Records may include, but is not limited to, the following: the Address (or URL) of the Electronic Resource which the Resource Alias denotes...”)

22. Regarding claim 45, the combination of **Smith**, **Siefert**, and **Edelstein** additionally discloses the web server configured to allow said user to add a hyperlink to said entry in said on-line database. (See **Edelstein** column 2, lines 38 – 48 “In some cases, the denotation need not be seen or dealt with by the user, as in the case of hypertext links (“hot links”) within Internet Web pages....This capability allows users to

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revisit (retrieve at a later time) web pages previously retrieved, as they may have changed.")

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Geshwind (US 6,507,872) discloses accessing a remote database over the internet, Web pages including non-text graphics, and yellow pages with cross index of keywords.

Lewak et al. (US 5,544,360) discloses user defined categories and being able to update descriptions of the categories.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis L. Vautrot whose telephone number is 571-272-2184. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dv
10 October 2006


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10 October 2006